

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DETERMINATION OF ROYALTY
RATES AND TERMS FOR
TRANSMISSION OF SOUND
RECORDINGS BY SATELLITE RADIO
AND “PREEXISTING” SUBSCRIPTION
SERVICES (SDARS III)**

**Docket No. 16-CRB-0001-SR/PSSR
(2018-2022)**

DECLARATION OF RANDI W. SINGER
(On behalf of Sirius XM Radio Inc.)

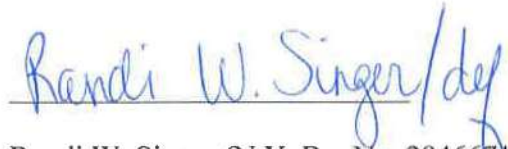
1. I am counsel for Sirius XM Radio Inc. (“Sirius XM”) in the above-captioned case.

I respectfully submit this declaration in support of Sirius XM Radio Inc.’s Reply to SoundExchange’s Proposed Findings of Fact and Conclusions of Law. I am authorized by Sirius XM to submit this declaration on Sirius XM’s behalf.

2. On or around May 9, 2017, counsel for Sirius XM, SoundExchange, Inc., and Music Choice (collectively, the “Parties”) discussed and agreed via telephone conference that they would refrain from filing line-by-line objections to the written testimony of fact witnesses as permitted by the Judges’ Order on Hearing Schedule, dated April 4, 2017. Accordingly, the Parties agreed that they would forego objections to the written testimony of fact witnesses, and that they would not move to strike any portion of fact witness written testimony. On May 9, 2017, the Parties memorialized their agreement in an e-mail—a true and correct copy of which is attached as **Exhibit A**.

Pursuant to 28 U.S.C. § 1746 and 37 C.F.R. § 350.6(e)(1), I hereby declare under the penalty of perjury that, to the best of my knowledge, information and belief, the foregoing is true and correct.

Dated: June 29, 2017
New York, NY

A handwritten signature in blue ink that reads "Randi W. Singer" followed by a stylized "def" or "d" and "f" flourish.

Randi W. Singer (N.Y. Bar No. 2946671)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Tel: (212) 310-8152
Fax: (212) 310-8007
randi.singer@weil.com

Counsel for Sirius XM Radio Inc.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document has been served by e-mail on this 29th day of June, 2017 on the following persons:

David Handzo
Steven Englund
Jared Freedman
JENNER & BLOCK LLP
1099 New York Ave., NW, Suite 900
Washington, DC 20001
P: 202-639-6000
F: 202-639-6066
dhandzo@jenner.com
senglund@jenner.com
jfreedman@jenner.com

*Counsel for SoundExchange, Inc.
(SoundExchange); The American
Federation of Musicians of the United
States and Canada (AFM); Screen Actors
Guild and American Federation of
Television and Radio Artists (SAG-
AFTRA); American Association of
Independent Music (A2IM); Universal
Music Group (UMG); Sony Music
Entertainment (SME); Warner Music
Group (WMG); Recording Industry
Association of America (RIAA)*

Rollin A. Ransom
Peter I. Ostroff
SIDLEY AUSTIN LLP
555 W. Fifth St., Suite 4000
Los Angeles, CA 90013
rransom@sidley.com
postroff@sidley.com

*Counsel for Sony Music Entertainment,
Universal Music Group, and Warner
Music Group*

Paul Fakler
John Sullivan
Margaret Wheeler-Frothingham
ARENT FOX LLP
1675 Broadway
New York, NY 10019-5874
P: 212-484-3900
F: 212-484-3990
Paul.Fakler@arentfox.com
John.Sullivan@arentfox.com
Margaret.Wheeler@arentfox.com

Jackson Toof
ARENT FOX LLP
1717 K Street, N.W.
Washington, DC 20006-5344
P: 202-857-6000
F: 202-857-6395
Jackson.toof@arentfox.com

Counsel for Music Choice

George Johnson
GEO Music Group
23 Music Square East, Suite 204
Nashville, TN 37203
Tel: 615-242-9999
george@georgejohnson.com

Pro Se Participant

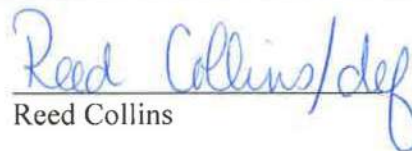

Reed Collins

EXHIBIT A

From: Toof, Jackson <Jackson.Toof@arentfox.com>
Sent: Wednesday, May 10, 2017 8:09 AM
To: Singer, Randi; Trepp, Alex S.; Sperle, Elisabeth; Santana, Meredith; Wheeler-Frothingham, Margaret; Freedman, Jared O.; Turner, Kendall
Subject: RE: SDARS III: Line Objections to Fact Testimony

Music Choice agrees.

Jackson D. Toof
Partner

Arent Fox LLP | Attorneys at Law
1717 K Street, NW
Washington, DC 20006-5344
202.857.6130 **DIRECT** | 202.857.6395 **FAX**
jackson.toof@arentfox.com | www.arentfox.com

From: Singer, Randi [<mailto:randi.singer@weil.com>]
Sent: Tuesday, May 09, 2017 9:05 PM
To: Trepp, Alex S. <ATrepp@jenner.com>; Sperle, Elisabeth <Elisabeth.Sperle@weil.com>; Santana, Meredith <Meredith.Santana@weil.com>; Toof, Jackson <Jackson.Toof@arentfox.com>; Wheeler-Frothingham, Margaret <Margaret.Wheeler@arentfox.com>; Freedman, Jared O. <JFreedman@jenner.com>; Turner, Kendall <KTurner@jenner.com>
Subject: RE: SDARS III: Line Objections to Fact Testimony

Alex –

Thank you – Sirius XM agrees.

Regards,
Randi



Randi Singer

Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
randi.singer@weil.com
+1 212 310 8152 Direct
+1 212 310 8007 Fax

From: Trepp, Alex S. [<mailto:ATrepp@jenner.com>]
Sent: Tuesday, May 09, 2017 8:09 PM

To: Singer, Randi; Sperle, Elisabeth; Santana, Meredith; 'Toof, Jackson'; Wheeler-Frothingham, Margaret; Freedman, Jared O.; Turner, Kendall

Subject: SDARS III: Line Objections to Fact Testimony

Counsel –

We are writing to formalize the Participants' agreement to forego the line-by-line objections to fact witness testimony that are contemplated in Paragraph 23 n.3 of the Judges April 4, 2017 Order on Hearing Schedule. As we discussed on tonight's meet and confer, no Participant will object when the written testimony of a fact witness is moved into evidence, nor will any Participant move to strike portions of a fact witness' written testimony.

Please confirm agreement.

Best,
Alex

Alex S. Trepp

Jenner & Block LLP
1099 New York Avenue, N.W.
Suite 900, Washington, DC 20001-4412 | jenner.com
+1 202 637 6385 | TEL
ATrepp@jenner.com
[Download V-Card](#) | [View Biography](#)

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Certificate of Service

I hereby certify that on Thursday, June 29, 2017 I provided a true and correct copy of the Declaration of Randi W. Singer to the following:

SoundExchange, Inc., represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Universal Music Group, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

American Federation of Musicians of the United Sta, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Music Choice, represented by Paul M Fakler served via Electronic Service at paul.fakler@arentfox.com

Warner Music Group, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

American Association of Independent Music ("A2IM"), represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Recording Industry Association of America, The, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Sony Music Entertainment, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

SAG-AFTRA, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Signed: /s/ Todd Larson